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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/929,331

08/14/2001

Yu-Sam Chang

P/ 3491-56

8693

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7590

08/24/2006

BERKELEY LAW & TECHNOLOGY GROUP
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EXAMINER

LEE, CHEUKFAN

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/929,331

Applicant(s)

CHANG ET AL.

Examiner

Cheukfan Lee

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


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Continuation of 11. does NOT place the application in condition for allowance because of the following:

The rejection of claims 1, 6, and 11 stands because first, Sung (U.S. Patent No. 6,587,231) discloses in one embodiment a transparent window (2) the border of which is defined by marking (col. 1, lines 57-59) and in an alternative embodiment a transparent window (2) separately formed from rest of the transparent housing (1), and the transparent window (2) of either embodiment meets the claimed "document-loading panel", except for the claim limitation "acrylic". Applicant states that claim 1 is directed to "a document-loading panel" and not a housing" (page 3, paragraph 2 of the remarks). However, claim 1 does not include language that defines the document-loading panel to be a panel that is not a part or an integral part of a scanner housing. Even if such language is included in claim 1, the claim limitation is met by the transparent window (2) of the alternative embodiment of Sung that is formed separately from the housing (1) (col. 2, lines 43-49), the section of Sung mentioned on page 7 of the Final Office Action. Second, with regard to Applicant's argument about the lack of motivation to combine Sung (6,587,231) and Matsumoto (6,147,339), the motivation to combine is found from 1) the fact that the transparent window (2) of Sung and the transparent acrylic window (18) both are document scanning windows of a scanner as discussed on page 8 of the Final Office Action, and b) the knowledge generally available to one of ordinary skill in the art that a scanning window made of transparent acrylic material, such as the acrylic scanning window (18) of Matsumoto, is strong enough to hold a document being scanned, which is relatively light weight as discussed also on page 8 of the Final Office Action. Therefore, the combining of the two references to provide a "document-loading panel" as claimed in claims 1, 6 and 11 is proper.

The rejection of claims 2, 7 and 12 stands for the reasons given for claims 1, 6 and 11 since Applicant's arguments relied on Applicant's reasoning regarding claims 1, 6 and 11 and not on any discussion of Hu et al. (U.S. Patent No. 6,271,939).

The rejection of claims 3, 5, 8, 10, 13, and 15 stands for the reasons given for claims 1, 6 and 11 since Applicant's arguments relied on the reasoning regarding claims 1, 6 and 11 and not on any discussion of Motamed (U.S. Patent No. 6,327,047).

The rejection of claims 4, 9 and 14 stands for the reasons given for claims 1, 6, and 11 since Applicant's arguments relied on the reasoning regarding claims 1, 6 and 11 and not on any discussion of Pan (U.S. Patent No. 6,008,501).

